IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 29547 of 2007(P)

PETITIONER:

ANJANA.S., D/O.P.VENUGOPAL, PARATT,
BALAKRISHNA MENON ROAD, EDAPPALLY P.O.,
KOCHI - 682 024.

BY ADV. SRI.THOMAS T.VARGHESE
SRI.N.SASI

RESPONDENTS:
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1. UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO THE
DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT,
NEW DELHI.

2. THE AGO,
CENTRAL BOARD OF SECONDARY EDUCATION,
'SHIKSHA KENDRA', 2, COMMUNITY CENTRE,
PREET VIHAR, DELHI - 110 092.

3. ASSISTANT SECRETARY,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, CHENNAI - 40.

4. THE PRINCIPAL,
BHAVANS VIDYA MANDIR,
ELAMAKKARA.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
SRI.DEVAN RAMACHANDRAN, SC FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 29547 OF 2007

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Dated this the 16th day of October, 2007

J U D G M E N T

The correction of date of birth applied for by the petitioner has been rejected by the 3rd respondent by Ext.P6. The only reason stated in Ext.P6 is that the request for the correction cannot be acceded to and is rejected as per rule 69.2(iv) of the examination bye-laws 1995 of the Central Board of Secondary Education. According to the 3rd respondent, in terms of the aforesaid rule, the application for correction in date of birth will be considered only within two years from the date of declaration of the result It is impugning this order, the present writ petition has been filed.

2. A reading of Ext.P6 would show that the 3rd respondent has proceeded on the basis that the Rule 69.2(iv) of the Examination bye-laws 1995 is mandatory and that the request made otherwise than in terms thereof cannot be considered. This court in the judgments in WP(C)

Nos.23934/2005, 37476/2004 and 19856/2007 has already taken the view that the rule is only directory and that it does not prohibit consideration of an application made, such as the one made by the petitioner. In the light of the judgments that have already been rendered by this court, the reasoning in Ext.P6 cannot be accepted.

3. Therefore, I quash Ext.P6 and direct the 3rd respondent to reconsider the application made by the petitioner and take a decision thereon, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp